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**FEB 21 2006**

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## FACSIMILE TRANSMITTAL SHEET

**FIRM/COMPANY:** USPTO

**FACSIMILE NUMBER:** 571-273-8300

**CONFIRMATION  
TELEPHONE:**

**FROM:** PAUL A. SCHWARZ, ESQ.

**DIRECT DIAL:** 609.631.2491

**DATE:** February 21, 2006

**FILE :** ATTORNEY DOCKET NO.: IMPLEX-18/ZM0718  
APPLICATION SERIAL NO. 10/015,365  
FILED: 12/13/2001  
ART UNIT: 3732

**TOTAL # OF PAGES:** 17  
(INCLUDING COVERSHEET)

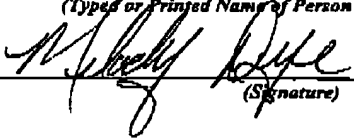
**Message:** Please see attached.

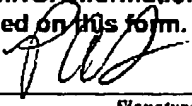
**NOTE:** Original will NOT follow.

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<b>CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)</b>			Docket No.	
Applicant(s): Roble, et al.			Implex-18/ZM0718	
Application No. 10/015,365	Filing Date 12/13/2001	Examiner Candice C. Stokes	Group Art Unit 3732	
Invention: INSTRUMENT AND SYSTEM FOR PREPARING THE DISC SPACE BETWEEN TWO VERTEBRAL BODIES				
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I hereby certify that this <u>Amendment and Response, with Transmittal Letter</u> <small>(Identify type of correspondence)</small>				
is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>571-273-8300</u> )				
on <u>February 21, 2006</u> <small>(Date)</small>				
 <u>Melody Dye</u> <small>(Typed or Printed Name of Person Signing Certificate)</small>  <small>(Signature)</small>				
Note: Each paper must have its own certificate of mailing.				

<b>AMENDMENT TRANSMITTAL LETTER (Small Entity)</b>				Docket No. <b>Implex-18/ZM0718</b>							
Applicant(s): <b>Robie, et al.</b>											
Application No. <b>10/015,365</b>	Filing Date <b>12/13/2001</b>	Examiner <b>Candice C. Stokes</b>	Customer No. <b>28581</b>	Group Art Unit <b>3732</b>	Confirmation No. <b>2786</b>						
Invention: <b>INSTRUMENT AND SYSTEM FOR PREPARING THE DISC SPACE BETWEEN TWO VERTEBRAL BODIES</b>											
<u>COMMISSIONER FOR PATENTS:</u>											
Transmitted herewith is an amendment in the above-identified application.											
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27											
The fee has been calculated and is transmitted as shown below.											
<b>CLAIMS AS AMENDED</b>											
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE						
TOTAL CLAIMS	35 -	45 =	0	x \$25.00	\$0.00						
INDEP. CLAIMS	5 -	6 =	0	x \$100.00	\$0.00						
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00						
<b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT</b>					<b>\$0.00</b>						
<input checked="" type="checkbox"/> No additional fee is required for amendment. <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ <input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed. <input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. <b>50-2061</b> <input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17. <input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached. <b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</b>											
 _____ <i>Signature</i>			Dated: <b>February 21, 2006</b>								
<b>Paul A. Schwarz</b> <b>Registration No. 37,577</b>  <b>Duane Morris LLP</b> <b>P.O. Box 5203</b> <b>Hamilton, New Jersey 08543-5203</b> <b>(609) 631-2446 (Telephone)</b> <b>(609) 631-2401 (Facsimile)</b>			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="padding: 5px;">           I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____            (Date)         </td> </tr> <tr> <td colspan="2" style="padding: 5px;">           _____  <i>Signature of Person Mailing Correspondence</i> </td> </tr> <tr> <td colspan="2" style="padding: 5px;">           _____  <i>Typed or Printed Name of Person Mailing Correspondence</i> </td> </tr> </table>			I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ (Date)		_____ <i>Signature of Person Mailing Correspondence</i>		_____ <i>Typed or Printed Name of Person Mailing Correspondence</i>	
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_____ <i>Signature of Person Mailing Correspondence</i>											
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cc:											

P11SMALL/REV09

Attorney Docket No. Implex-18/ZM0718

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Application of:  
Robie, et al.

Group Art Unit: 3732

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Serial No.: 10/015,365

Examiner: Stokes, Candice C.

FEB 21 2006

Filing Date: December 13, 2001

Atty Dkt.: Implex-18/ZM0718

For: Instrument and System for  
Preparing the Disc Space  
Between Two Vertebral Bodies

Date: February 21, 2006

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Va. 22313-1450

## AMENDMENT AND RESPONSE

Dear Sir:

This paper is responsive to the Office Action dated December 1, 2005. Kindly enter the following amendments:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 11 of this paper.

DM21649440.1